Report of the
ALBERTA
Victims of Crime Consultation

A consultation with victims of crime and service providers to create a ten-year vision for victims and recommendations to achieve the vision.

September 2002

Report of the Alberta Victims of Crime Consultation

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Alberta Solicitor General's Mission Statement

Our mission is to serve Albertans by promoting safe communities and by communicating with Albertans about the administration of justice. (*Note:* The department's mission statement is currently being revised to reference victims.)

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Executive Summary

In August of 2001, Alberta Solicitor General Heather Forsyth appointed Calgary Shaw MLA Cindy Ady to chair a committee to help create a more meaningful role for victims of crime in the justice process. The committee was responsible for the development of a ten-year vision for victims' programs and services in Alberta and a review of legislation and policy from a victim's perspective.

In April/May of 2002, the committee held one-day consultations in seven communities across the province – High Level, Grande Prairie, St. Paul, Wetaskiwin, Edmonton, Lethbridge and Calgary. Participants included victims of crime and representatives from organizations that provide services to victims of crime. A total of 205 individuals attended, with 31 per cent of those identifying themselves as victims of crime. An additional ten people provided written submissions.

Based on themes that emerged during the consultations, the committee suggests the following ten-year vision for programs and services for victims of crime in Alberta. They are presented in random order.

A. **Victims of crime in Alberta have timely access to information, effective services and supports.**

B. **Alberta has a justice system that recognizes and treats victims with respect.**

C. **Stable and ongoing funding for essential services for victims of crime is a priority shared by government and community.**

D. **Individuals working with victims have the knowledge and skills to respond to the needs of those they serve.**

E. **Victims of crime with unique needs, including Aboriginal people, have access to services.**

F. **Alberta supports restorative justice programs in which victims feel safe and empowered, offenders are held accountable and communities are involved**.

The committee also makes recommendations to achieve the vision, such as:

- **Support the development of programs and protocols that ensure that victims of crime consistently and promptly get the information they need when they come into contact with the system** (page 11). Most Albertans are not aware of the services that exist to help victims of crime until they need them. Although law

enforcement officials are the first on the scene of a crime, they do not consistently provide victims with referrals to the local victim service unit. Victim service units cannot make first contact with victims because personal information contained in RCMP files is protected.

- **Explore the feasibility of providing emergency funding for victims of crime where critically needed (e.g., for transportation, emergency accommodation, clothing and personal items)** (page 11). Some victims of crime, particularly those with limited income, need emergency support to meet basic needs after a crime has been committed. The emergency fund is intended to fill the gap between existing services, not supplement or replace them.

- **Recommend that Justice Canada conduct a review of victim impact statement provisions in the *Criminal Code of Canada* to ensure that victim impact statements are not disclosed prior to sentencing** (page 13). When a victim impact statement is available to the defence counsel and the offender prior to sentencing, victims feel vulnerable. The information is personal in nature and, in some cases, may be used to build a case for the defence. Victims feel this information should be protected until sentencing.

- **Increase funding to police-based victim service units** (page 14). Victim service units, the backbone of support for victims of crime in Alberta, are individually operated not-for-profit organizations. Staff spend a disproportionate amount of time fundraising for basic operating and salary expenses and rely heavily upon volunteers. They need more money to provide basic services.

- **Develop standardized training for those providing services to victims of crime** (page 16). To provide effective support for victims of crime, staff and volunteers need knowledge and tools. A standardized training program would support consistent service delivery in victim-serving organizations, both large and small, across the province.

- **Help communities develop, promote and support effective programs and services that assist victims of crime who have unique needs, particularly Aboriginal communities** (page 17). 'One size fits all' does not apply to victims of crime. Certain groups of people (e.g., children) have specialized needs that are not always met by current programs and services.

- **Reinstate long-term funding for restorative justice programs** (*note:* Restorative justice funding was eliminated in the 2002/03 budget) (page 18). Many victims of crime and the professionals who assist them regard restorative justice as a progressive and healing alternative to the traditional justice system. They want funding reinstated to support restorative justice so they may pursue it as an option where the victim wishes to participate.

In a related initiative, representatives from Alberta Solicitor General and Alberta Justice reviewed federal and provincial victim-related legislation and compared Alberta's *Victims of Crime Act* to legislation from other jurisdictions. The Victims of Crime Consultation Advisory Committee endorses the recommended changes to policy and legislation that resulted from this review. They include the development of a Victims' Charter and legislative provisions that allow time off work without pay for victims to attend a trial, to testify or to present a victim impact statement. These recommendations complement efforts to achieve a new ten-year vision for victims of crime in Alberta.

The committee anticipates these goals can be achieved if the government ministries already providing relevant services to victims of crime pay for those services themselves and if all available funds within the Victims of Crime Fund are fully utilized.

1. Background

No one plans to become a victim of crime. It is not something you prepare for but the moment it happens, your world shifts – sometimes subtly and often profoundly depending upon the crime, your personality and your support system.

Like an abrupt detour in life, you find yourself on an unfamiliar path that is confusing, difficult and sometimes disappointing. You navigate this path while healing emotional or physical wounds that have become souvenirs of the crime you did not ask for or expect to face.

A victim of crime is anyone affected by a crime – from a person who loses his life in an act of violence to someone who has a bicycle stolen from the backyard. It also includes people who are indirectly affected; the parent of a teenager who is assaulted and the co-worker who witnesses a robbery are also victims of crime.

"We think of the victim as the person lying in the chalk outline, but it's also the person crying over them."
Participant

The number of people affected by crime is surprisingly high. According to Research Innovations survey, 25 per cent of Albertans reported being a direct victim of crime during 2001/2002.

"Anyone can be a victim."
Participant

Service and support for victims of crime in Alberta have evolved over the past 40 years. Prior to the late 1960s, victims relied upon family and friends to deal with their victimization and help them move toward healing; organized services such as victim service units and crisis centres did not exist. When grassroots support programs like shelters for victims of domestic abuse and sexual assault centers emerged in the 1970s and 1980s, they raised awareness of victims' needs and demonstrated that professional support could help heal a community one individual at a time.

The *Criminal Injuries Compensation Act* of 1969 was the first piece of legislation to assist victims of crime in Alberta. It gave victims of violent crime the means to claim compensation for proven losses that resulted from personal injury. Twenty-two years later, the *Victims Programs Assistance Act* created a fund to support programs and services for victims of crime. The Victims Programs Assistance Fund received money from fine surcharges collected from those convicted of federal offences and it spawned a network of police-based victim service units that exist today.

In 1997, the *Victims of Crime Act* consolidated the two former acts and established a 15 per cent surcharge on provincial offences. This money was directed to a regulated fund (the Victims of Crime Fund) separate from the government-voted budget. With the additional revenue, services to victims were enhanced and more money became available to assist crime victims. Today, the Government of Alberta pays about $7 million annually to victims who have been injured emotionally or physically, directs over $1 million to the 107 victim service units that cover 90 per cent of the province, and allots almost $400,000 for community programs and special projects that benefit victims of crime.

Victim rights have also begun to evolve, a milestone example being the victim impact statement that provides a voice for the victim in court. The role of the victim, however, is still largely limited to that of witness in criminal proceedings. Victim advocates claim the existing system is balanced in favour of the offender who has free access to counselling, education and a variety of other supports.

We have come a long way since the 1960s and should be proud of our accomplishments, but there is more work to do before victims of crime in Alberta have the services and support they need.

Delegates at the Alberta Summit on Justice in 1999 recommended that victims and offenders be more involved in determining justice. The Government of Alberta responded by committing Alberta Justice to review relevant legislation and policy from a victim's perspective and make recommendations for change to ensure a more meaningful role for victims.

In 2001, Alberta Solicitor General Heather Forsyth appointed Cindy Ady, MLA Calgary Shaw, to review the issues through the lens of a victim and identify a ten-year vision to shape programs and services for victims of crime in Alberta. In a separate but related initiative, representatives from Alberta Solicitor General and Alberta Justice reviewed federal and provincial victim-related legislation (see appendix, page 20). The *Report of the Alberta Victims of Crime Consultation* combines the two efforts. It offers a vision for the future and recommendations to achieve the vision that include legislative and policy changes.

Police-Based Victim Service Units

- *107 units.*
- *57 full time staff, 66 part time staff, 1,600 volunteers.*
- *Work mostly with victims of violent crime.*
- *Support victims with information.*
- *Not-for-profit organizations governed by individual boards of directors.*
- *Funded through Alberta Solicitor General's grants program and other revenue sources that include local fundraising efforts.*

By working with the community to build on our strengths and forge new territory with clear direction and purpose, we make a difference in the lives of the many Albertans who, when they least expect it, become victims of crime and look to their community for assistance.

2. Methodology

2.1 MLA Review and Consultation Advisory Committee

In August of 2001, Alberta Solicitor General Heather Forsyth asked Calgary Shaw MLA Cindy Ady to lead a review to:

1. Develop a 10-year vision for programs and services for victims of crime in Alberta; and

2. Examine current legislation and policy from a victim's perspective and make recommendations that ensure a more meaningful role for victims in Alberta's criminal justice system.

Alberta Victims of Crime Consultation Advisory Committee members selected to assist in the review process reflected a range of expertise, perspectives and geographical regions. Together they defined and developed the consultation process, analyzed data, developed recommendations and created this report.

Although all committee members attended at least one consultation session, a core team of representatives attended each of the seven sessions:

- MLA Cindy Ady;
- Cal Wrathall, Director of Victims, Regulatory and Support Services with Alberta Solicitor General;
- Bronwyn Shoush, Director of the Aboriginal Justice Initiatives Unit with Alberta Solicitor General;
- Anne Davidson, Community Development Officer and facilitator with Alberta Community Development; and
- Divona Herzog of Herzog Associates Inc. who helped organize the consultations.

Committee members did not participate in the sessions but assumed the role of observer to decrease their influence on the dialogue and support the integrity of the data gathered.

2.2 Review Process

Seven communities were selected as consultation locations. Together, they provided broad geographic and ethnographic representation of the province, allowing best use of time and resources.

Locations	
High Level	*April 23*
Grande Prairie	*April 24*
St. Paul	*April 25*
Wetaskiwin	*April 29*
Edmonton	*April 30*
Lethbridge	*May 2*
Calgary	*May 3*

With a mandate to conduct the consultation through the lens of a victim, victims of crime and service providers were invited to participate. The committee chose to focus on these audiences for two reasons:

1. Victims of crime and the people/organizations who assist them have first-hand knowledge of current programs and services. They are best able to comment on what is working, what is not and what Albertans need; and

2. Victims of crime are often hesitant to be identified as victims or to discuss their experiences in public. An open/public consultation would deter participation of the very people the committee needed to listen to.

In March of 2002, an invitation and information package was mailed or faxed to 500 potential participants. Names of victims of crime were provided by committee members and police- based victim service units across the province (with prior consent by the victim). Special effort was made to encourage participation by victims. Names of organizations that provide direct services to victims of crime were obtained from a variety of sources including committee members, community representatives, and lists from previous consultation initiatives including the Alberta Summit on Justice and the Restorative Justice Consultation.

Those unable to attend were invited to send a written response to the discussion questions that guided the consultation process:

- What needs do victims of crime have that are not currently being met?

- What would you like to see in place for victims of crime ten years from now?

- What needs to be done to achieve this vision? Who needs to be involved?

- What challenges and issues need to be addressed to ensure victims' needs are met?

Full day consultations were held. MLA Ady introduced each session followed by Cal Wrathall, Director of Victims, Regulatory and Support Services with Alberta Solicitor General, whose remarks provided context for the discussion to follow. Alberta Community Development facilitators led participants through a dialogue process that encouraged individual and group reflection on the questions listed above. Participants recorded key

points, used later to develop the composite vision statement. Following each consultation, participants received a detailed record of the notes from their session.

Eighty-eight per cent of the 205 participants who attended a consultation session completed a feedback form. It allowed participants to briefly reiterate the points they wanted to emphasize in the report to the Alberta Solicitor General. This feedback was compared to the data collected during the consultation session. Excerpts are included in this report and credited as 'participant'. Other quotes featured in the report are gleaned from the 10 written submissions received.

The committee used consultation data to create a vision that reflects the spirit and the content of participant feedback. Key messages that support each statement were identified within the data, which served to guide the development of recommendations.

Several members of the committee also participated in a departmental initiative by Alberta Solicitor General and Alberta Justice to review policy and legislation through the lens of a victim and compare Alberta's *Victims of Crime Act* to legislation from other jurisdictions. The recommendations are integrated within this report; a full copy is found in the appendix (page 20).

A draft of the final report was sent to all consultation participants for further input. Comments received were reviewed by the committee and integrated into the report as appropriate.

3. Ten-Year Vision for Programs and Services for Victims of Crime in Alberta

The ten-year vision for programs and services for victims of crime in Alberta is composed of six statements. They are presented in random order; the letters are provided for reference to access further information within this report.

A. **Victims of crime in Alberta have timely access to information, effective services and supports.**

B. **Alberta has a justice system that recognizes and treats victims with respect.**

C. **Stable and ongoing funding for essential services for victims of crime is a priority shared by government and community.**

D. **Individuals working with victims have the knowledge and skills to respond to the needs of those they serve.**

E. **Victims of crime with unique needs, including Aboriginal people, have access to services.**

F. **Alberta supports restorative justice programs in which victims feel safe and empowered, offenders are held accountable and communities are involved.**

A. Victims of crime in Alberta have timely access to information, effective services and supports.

Key messages from consultations:

- Services and supports for victims of crime are not accessible in some communities in Alberta (e.g., physically remote locations).

- Many Albertans are not aware of services and supports available for victims of crime (e.g., financial benefits and requesting restitution programs).

- The federal *Privacy Act* poses a barrier to service because victim service units cannot initiate contact with victims. RCMP officers cannot give victim service units the names of victims without prior consent.

- Medical professionals and police cannot share medical information because it is protected under the *Health Information Act*. This hampers investigations and may jeopardize a victim's safety, particularly in cases involving serious crimes of violence (e.g., when a suspected offender arrives at hospital with an injury, hospital staff cannot contact police or share information when contacted by police).

- Programs and services for victims of crime need to be better coordinated at the local and provincial level.

- Some victims of crime require additional support beyond what is currently available. Alberta does not presently have a comprehensive and coordinated continuum of services for victims of crime, from immediate first response to long-term therapeutic support and follow-up.

- Some victims need mental health treatment support after a crime has occurred.

- Often victims of crime in Alberta do not understand the justice system process, their rights and role within it.

- Victims of crime in Alberta are not always adequately prepared for court appearances.

"We need continuous comprehensive care for victims FREE of charge."
Participant

"Coordination of services for victims is an issue. At the moment, victims are expected to navigate through the maze of services while being financially and emotionally depleted."
Participant

"There needs to be an emergency budget to be used by victims – e.g., for a woman to go to a shelter in another community, for a homicide victim's mother to transport the body home for burial..."
Written submission

Recommendations:

1. Help communities assist victims of crime where services do not currently exist (e.g., use technology to create better access - videotape victim impact statements).

2. Help communities increase awareness of programs and services available to assist victims of crime (e.g., support the development of public education materials).

3. Support the development of programs and protocols that ensure that victims of crime consistently and promptly get the information they need when they come into contact with the system.

4. Assist communities to provide mandatory follow-up to all victims of serious crime.

5. Explore the feasibility of providing emergency funding for victims of crime where critically needed (e.g., for transportation, emergency accommodation, clothing and personal items).

"Not all victims of crime are referred to the victim service unit by an investigating officer. If the program exists then ALL victims must be made aware..."
Written submission

6. Review the *Health Information Act* to ensure that, in cases of serious crimes of violence, information can be shared between the police and medical professionals to ensure the safety of victims.

7. Ensure victims have timely information about victim impact statements, the Financial Benefits Program and the Requesting Restitution Program.

8. Provide more mental health treatment options for victims of crime.

9. Assist communities to help victims work effectively with the criminal justice system and understand their roles and rights (e.g., see Victims' Charter - Interdepartmental Review in the appendix on page 20).

10. Ensure victims are informed of the status of plea negotiations and that the Crown prosecutor speaks with victims of serious crime prior to trial dates (see written submission page 13).

11. Work with local community groups and other provincial departments to better coordinate programs and services for victims of crime in Alberta (e.g., establish a committee of officials to coordinate cross-department victim initiatives – see Interdepartmental Review in the appendix).

B. Alberta has a justice system that recognizes and treats victims with respect.

Key messages from consultations:

- Alberta's criminal justice system is not always sensitive to and respectful of the needs of victims.
- Criminal justice cases in Alberta are not often resolved in a timely manner.
- Communication between victims and Crown prosecutors in the criminal justice process, especially on issues related to serious crimes, is often inadequate.
- The criminal justice system appears to focus more on the rights of the offender than the rights of the victim.
- Victims are concerned about premature disclosure of their victim impact statement to defence counsel or to the offender.
- Victims' privacy is not always respected (e.g., defence counsel exposes a victim's background; media releases personal information).
- Offenders are frequently unable to pay restitution to victims.
- The current criminal justice process is not always sensitive to Aboriginal victims of crime.

"The rights of the offender still supercede the rights of the victim. This leads to further victimization by the criminal justice system. Case in point – full disclosure must be made by the Crown to the defence, but not by the defence to the Crown."

Written submission

"Victims need to be acknowledged and protected. Victim impact statements are a start, but ... we need law reform and social change which will only happen through education and ongoing building of partnerships with stakeholders."

Written submission

Recommendations:

1. Find ways to reduce the inequity in support between victims and offenders.

2. Recommend that Justice Canada conduct a review of victim impact statement provisions in the *Criminal Code of Canada* to ensure that victim impact statements are not disclosed prior to sentencing.

3. Promote the guiding principles of Alberta's *Victims of Crime Act* with those working in the criminal justice system.

4. Inform victims of crime about the *Victims Restitution and Compensation Payment Act* once proclaimed. This allows the criminal court to assist victims in the recovery of restitution.

"Accessibility of Crown prosecutors is an issue – not meeting with victims before court. At times they have no contact with the Crown before they are on the stand and have difficulty with phone contact before and after court appearances."
Written submission

5. Review the proposed recommendations for policy and legislative change for privacy implications (*Freedom of Information and Protection of Privacy Act* and the federal *Privacy Act*).

C. Stable and ongoing funding for essential services for victims of crime is a priority shared by government and community.

Key messages from consultations:

- Government does not fully recognize that funding for victims programs and services is a priority.

- Victim service units spend a disproportionate amount of time fundraising for salaries and basic operating expenses when their efforts could be focused on helping victims of crime.

- Many victim assistance programs rely heavily on volunteers.

- Some coordinators in police-based victim service units have inadequate salaries.

"If you want the programs, the money and resources have to be there. Our people are burning out."
Participant

- Insurance coverage for victim service organizations, their boards and their volunteers is inconsistent across the province.

- Victims programs and services cannot be sustained without long term funding.

- Funding for victims is inequitable in comparison to funding for offenders.

- Some victims are unable to fully participate in the criminal justice process because of the costs incurred.

- Victims are not reimbursed for out-of-pocket expenses.

- Crime prevention programs that address root causes of crime will reduce the number of victims.

"Programs need more funding. The biggest concern among RCMP coordinators is that they spend too much time trying to raise money for their own salaries, leaving less time to deal with volunteers who in turn could help victims. We appreciate what we are getting but struggle to raise the rest."

Participant

Recommendations:

1. Profile the need for victim services and raise awareness within government that funding for victims programs and services is a high priority.

2. Do not use the Victims of Crime Fund to fund programs and services that are normally within other government department mandates (e.g., mental health treatment, social assistance, etc.).

3. Identify essential services and standards province-wide for victims of crime.

4. Increase funding for victims' programs and services.

5. Adequately fund police-based victim service units, particularly those in remote and rural areas, and those serving a large geographic area.

6. Adequately fund salaries for coordinators in police-based victim service units so their time is not disproportionately focussed on fundraising for their own positions.

7. Explore insurance coverage options for victim service units and volunteers.

"There is regional disparity – we need core funding to ensure a baseline of service province-wide. Community can raise the rest."

Participant

"Too much is left to volunteers."

Participant

"If victims' programs are a priority, we need a commitment to sustained funding."

Participant

8. Provide funding to victims to assist them in facilitating their involvement in the criminal justice process (e.g., provide victims with free independent counsel when access to personal information about the victim is sought under section 278.3 of the *Criminal Code* – see appendix page 21).

9. Restore funding to crime prevention programs.

D. Individuals working with victims have the knowledge and skills to respond to the needs of those they serve.

Key messages from consultations:

- There is not enough training available for professional staff and volunteers who provide service to victims.

- Training that is provided is inconsistent and in need of standardization.

- Many criminal justice system professionals are not aware of and do not understand the needs of victims.

- Training is inadequate for those professional staff and volunteers who work with the most vulnerable victims, particularly child victims, victims of domestic violence and victims of sexual assault.

- Training needs to be culturally appropriate.

"Victim services should be run by well trained professionals, qualified in their area."

Participant

"Judges, Crown, lawyers, police and the medical profession need to be educated about the needs of victims."

Participant

Recommendations:

1. Increase training for professional staff and volunteers who provide services to victims of crime.

2. Develop standardized training for those providing services to victims of crime.

3. Have Alberta Solicitor General and Alberta Justice provide staff in the criminal justice system with training to increase awareness of victim needs and concerns.

4. Develop training to improve knowledge and skills that address the unique needs of the most vulnerable victims (particularly child victims, victims of domestic violence and victims of sexual assault) and victims with unique needs such as Aboriginal people.

E. Victims of crime with unique needs, including Aboriginal people, have access to services.

"Victim impact statements can be very difficult to complete for individuals who do not have English as a primary language... for young children, the disabled, illiterate, etc."
Written submission

"I especially advocate for a child-centred area in court houses."
Participant

"Aboriginal communities have a high number of victims which increases need but also makes programming (staffing, etc.) more difficult."
Participant

Key messages from consultations:

- Current programs and services are not designed to assist victims of crime with unique needs. Populations cited frequently during the consultations were Aboriginals, children and youth, victims of domestic violence, victims of sexual assault, seniors, Persons with Disabilities, and culturally diverse populations.

- Current programs are often inaccessible to victims with unique needs (e.g., translation issues create barriers).

- The criminal justice system is not structured to support vulnerable victims, particularly children and youth.

- Advocates must be able to provide local knowledge and culturally sensitive services to their communities.

- Aboriginal victims of crime do not frequently access currently available programs and services.

- Male victims of domestic violence do not have access to support services.

- Family violence response teams are not available throughout the entire province.

- Emergency protection orders, designed to protect victims of domestic violence quickly without having to go through the courts, are difficult and slow to obtain.

"Victims in the (Metis) settlements suggest that the police, courts and probation do not involve them in the justice process..."
Written submission

Recommendations:

1. Help communities develop, promote and support effective programs and services that assist victims of crime who have unique needs, particularly Aboriginal communities.

2. Help communities provide family violence support teams in areas that currently do not provide this service.

3. Complete a review of the emergency protection order process to speed up the process and protect victims of crime.

"Male victims of domestic violence do not have services, nor are there facilities ... especially for those men who are fathers and have children in tow."
Written submission

F. Alberta supports restorative justice programs in which victims feel safe and empowered, offenders are held accountable and communities are involved.

Key messages from consultations:

- Victims are often left out of the justice process and are not heard.

- The traditional justice system is often slow, ineffective and re-victimizes victims.

- The traditional justice system does not focus on healing, is neither culturally sensitive, nor victim oriented.

"In my 16 years of police work in remote, rural and native communities, the most effective resolution for victims of crime has been in the form of restorative justice."
Participant

- There are not enough restorative justice programs such as sentencing circles, mediation and community conferences.

- Restorative justice programs are available in some communities and not in others and there are no standards that guide decisions about when it is appropriate to use them.

- Restorative justice programs may not be adequately monitored, so that offenders escape assuming responsibility for the consequences of their actions.

- Restorative justice (community justice) committees need training on victims' issues.

- Secure, long-term funding for restorative justice programs is not in place.

- Victims sometimes feel unsafe and they caution that the restorative justice process is more offender-oriented than victim-oriented.

- Where appropriate, restorative justice options should be available for victims.

"We need a real commitment by the Alberta Government to provide adequate and sustained funding for alternative dispute resolution and victim/offender mediation programs that is not tied to reactionary political policies and crisis-to-crisis budgetary concerns."

Written submission

Recommendations:

1. Reinstate long-term funding for restorative justice programs. (*Note*: Restorative justice funding was eliminated in the 2002/03 budget).

2. Develop standards and measures of program accountability that ensure victim safety and empowerment, offender accountability and community involvement and ensure they are in place before program commencement.

3. Expand restorative justice programs that involve victims so that they are culturally sensitive and focus on repairing harm in a timely and meaningful way.

4. Develop a training program for restorative justice committees that includes education on victims' issues.

Appendices

Interdepartmental Review: Recommendations for Policy and Legislative Change

Participating Organizations

Participant Profile

Interdepartmental Review: Recommendations for Policy and Legislative Change

Representatives from Alberta Solicitor General and Alberta Justice reviewed Alberta's victims' policy and legislation and compared Alberta's *Victims of Crime Act* to legislation from other jurisdictions. They recommend the three following proposals for change, to provide a more meaningful role for victims in the criminal justice system.

1. Revise the principles in the *Victims of Crime Act* to incorporate revisions to the Canadian Statement of Basic Principles of Justice for Victims of Crime as agreed to by the ministers responsible for justice.

   (Note: In 1988, ministers responsible for justice in Canada agreed to adopt the Canadian Statement of Basic Principles of Justice for Victims of Crime. Alberta's *Victims of Crime Act* includes principles based upon those adopted in 1988. The Federal/ Provincial/ Territorial Working Group on Victims expects to finalize a proposal for revision and renewal of the statement of basic principles. Contingent upon the approval of ministers responsible for justice, the revised statement of basic principles should be reflected in amendments to Alberta's *Victims of Crime Act.*)

2. Develop a Victims' Charter in consultation with police, criminal justice officials and other stakeholders. In addition to identifying existing victims' services and entitlements, the Victims' Charter could be a policy document or could be incorporated in regulations to the *Victims of Crime Act* and would reflect the following concepts and provisions:

   - attention be given to the unique needs of the most vulnerable victims (e.g., children);

   - criminal justice system personnel receive training to increase their awareness of victims' needs and concerns;

   - measures be taken to assist communities in developing victims programs and services and to promote equal access to victim services throughout Alberta;

   - criminal justice system personnel who have reasonable grounds to believe a person poses a threat to a victim or their family, shall notify the appropriate law enforcement agency of any information relevant to the victim's safety or security; and

   - victims who believe they have not been accorded proper treatment pursuant to the Victims' Charter have a remedy by means of a clearly articulated complaint process.

Provisions to be included in a Victims' Charter:

- a victim of a sexual offence shall be interviewed by police officers of the same gender wherever possible, consistent with the wishes of the victim;

- the head of a law enforcement agency responsible for investigating an offence must ensure the agency gives the victim information about:

    - the availability of victims' programs and services;

    - the opportunity to prepare a victim impact statement;

- employers must give victims time off work without pay to attend a trial, to testify or to present a victim impact statement;

- at the victim's request and where reasonable and practical, a waiting area separate from that used for the accused's witnesses shall be provided to a victim attending court;

- a victim, upon request, be given access to free independent counsel when access to personal information about the victim is sought under section 278.3 of the *Criminal Code;*

- if it does not prejudice an investigation or prosecution or contravene the *Young Offenders Act*, and the interests of the victim outweigh the privacy interests of the offender, justice system workers upon request must provide the following information to a victim:

    - the name of the accused;

    - the status of the police investigation;

    - the status of the prosecution and, if the charges are reduced or withdrawn, information as to the reasons why the charges have been reduced or withdrawn. (*Note:* For the purpose of this clause, the definition of victim should include the family of someone who is killed as a result of a crime or an offence under a provincial statute.);

    - the possible use of alternative measures or restorative justice processes to deal with the offender;

    - the date, location and reasons for each significant court appearance or proceeding;

- information about court procedures;
- the victim's right to apply for a ban on the publication or broadcast of their identity;
- the victim's right to file a victim impact statement;
- how to obtain restitution;
- the right of an owner of property to have it returned when it is no longer required as evidence;
- the outcome of all significant proceedings leading to and including the disposition of the charges;
- the name, address and phone number of the office preparing a pre-sentence or pre-disposition report;
- any appeal that results from the prosecution;
- the availability of court records;
- the length of any sentence that the offender is serving and the date that sentence began;
- the office or agency supervising the offender in the community;
- the means to contact agencies that might grant or amend conditions of release from custody;
- copies of orders and permits setting conditions for the accused or offender that are deemed relevant to the safety of the victim;
- the means for the victim to report breaches of terms of supervision;
- the eligibility and review dates pertaining to the release of the offender;

- subject to the *Young Offenders Act,* and providing that it does not prejudice an investigation or prosecution, and if, in the opinion of the person giving the information, the interests of the victim outweigh the privacy interests of the offender in the circumstances, justice system personnel must arrange for a victim, upon request, to receive the following information:

(*Note:* References to corrections apply to Alberta Correctional Services and do not apply to Corrections Canada. Justice system personnel is defined in a broad sense to include all those individuals working within the criminal justice system; offender is defined to include both accused and convicted persons.)

- whether and if the offender is in custody and the name and address of the institution in which the sentence is being served;
- the terms of any supervision order, the date that any conditions end, and the date the order ends;
- the date the offender will be released, the length of any supervised release, and the terms of supervision during that release;
- if the offender is released from custody under supervision and the terms of supervision are to change, the nature of the change and the date the change begins;
- if the offender is or will be under correctional supervision, the area of Alberta where the offender may be and whether the offender will be in the vicinity of the victim while traveling to that area;
- any terms or conditions under which the offender has been or is to be released, or in the case of release at sentence expiration, the general destination of the person, if known;
- the occurrence of any escape or unlawfully at large of the offender and their recapture;
- the breach of any terms of supervision and the action taken as a result;
- the death of the offender;

- a victim may request a meeting with the offender if the victim wants to explain to the offender the impact the offence has had on the victim and his or her family. The head of the correctional centre in which the offender is housed shall arrange the meeting if he or she is satisfied that it is in the public interest to do so, having regard for the offender's record of offences and potential for rehabilitation, and the offender's willingness to accept responsibility for the offence and participate in the meeting.

- for conditional release of an offender convicted of a serious or violent offence, Correctional Services shall seek and consider victim impact, and for conditional release of other offenders, will consider victim impact if requested by the victim. (*Note*: Serious and violent offences would need to be specified.)

3. Establish a committee of officials to coordinate cross-department victim initiatives.

Participating Organizations

Representatives from the following organizations attended the Victims of Crime Consultations. They are presented in alphabetical order by community. *Note:* Some organizations sent more than one representative; the limit was generally two. This list does not include the names of individuals, including those invited to participate as victims of crime, out of respect for their privacy.

Calgary - 36 participants

AADAC	Calgary
Action Committee Against Violence	Calgary
Alberta Children's Hospital Child Abuse Services	Calgary
Alberta Justice, Court Services	Calgary
Bow Valley Victim Services/Banff RCMP	Banff
Calgary Communities Against Sexual Assault	Calgary
Calgary Crown Prosecutors Office	Calgary
Calgary Health Region	Calgary
Calgary Legal Guidance Crt Prep. & Restraining Order Prog.	Calgary
Calgary Police Service	Calgary
Calgary Police Service Victim Service Unit	Calgary
Calgary Rockyview Child & Family Services Auth. Reg. 4	Calgary
Calgary Women's Emergency Shelter	Calgary
Calgary Youth Justice Society	Calgary
Canadian Research Institute for Law and the Family	Calgary
Canadian Society for the Investigation of Child Abuse	Calgary
Child Welfare board member	Calgary
Cochrane & Area Victim Services	Cochrane
Cochrane & District Youth Justice Committee	Cochrane
Community Corrections and Release Programs Branch	Calgary
Crown Prosecutor	Red Deer
Crowsnest Pass Victims Service Unit	Blairmore
Discovery House Partner Support Program	Calgary
Distress Centre	Calgary
Family of Men Support Society	Calgary
Partner Support Team	Calgary
Strathmore RCMP	Strathmore
Sundre RCMP Victim Service Unit	Sundre
Tsuu Tina Stoney Corrections	Tsuu Tina

Edmonton - 52 participants

Alberta Communities of Citizens with Disabilities	Edmonton
Alberta Justice, Court Services	Edmonton
Alberta Justice, Edmonton Crown Prosecutors Office	Edmonton
Alberta Justice, Family Law	Edmonton
Alberta Solicitor General, Public Security Division	Edmonton
Alberta Solicitor General, Young Offender Branch	Edmonton
Calling Lake Cabin Owners Association	St. Albert
Calling Lake Cottage Association	Spruce Grove
Canadian Native Friendship Centre	Edmonton
Community Corrections and Release Programs Branch	Edmonton
Devon/Thorsby/Bowman/Leduc RCMP Victim Service Unit	Devon
Edmonton Police Service Victim Service Unit headquarters	Edmonton
Edmonton Youth Justice Committee	Edmonton
Faust / Slave Lake RCMP Victim Service Unit	Faust
FCSS/City of Leduc Family Violence Prevention	Leduc
FCSS/County of Leduc Family Violence Prevention	Nisku
Fort Saskatchewan RCMP Victim Service Unit	Fort Saskatchewan
Innisfail RCMP	Innisfail
Innisfail/Sylvan Victim Services	Innisfail
John Howard Society	Edmonton
MADD Canada	Edmonton
Mediation & Restorative Justice Centre	Edmonton
Metis Settlements Child & Family Services Authority	Edmonton
O'Chiese First Nation	Rocky Mtn House
Protection and Restraining Order Project (PROP)	Edmonton
Sherwood Park RCMP Victim Services Unit	Sherwood Park
Slave Lake Victim Services Unit	Slave Lake
Strathcona Sexual Assault Center Ltd.	Sherwood Park
Strathcona Youth Justice Committee	Sherwood Park
Thorsby Victims Services	Thorsby
University of Alberta, Sexual Assault Centre	Edmonton
Victim Service Unit West Division	Edmonton
Victims Assistance Program	Edmonton
Wabasca Victim Services Society	Desmarais
West Yellowhead Child & Family Services Authority (Hinton)	Hinton
Westlock RCMP Victim Service Unit	Westlock
Yellowhead Tribal Community Corrections Society	Edmonton

Grande Prairie - 22 participants

AADAC	Grande Prairie
Alberta Justice, Crown Prosecutors Office	Grande Prairie
Alberta Mental Health Clinic	Grande Prairie
Beaverlodge RCMP	Beaverlodge
Child & Family Services Authority Region 13	Grande Prairie
Community Corrections and Release Programs Branch	Grande Prairie
Cool Aid Society	Grande Prairie
Grande Prairie RCMP Victim Service Unit	Grande Prairie
Manning RCMP	Manning
McLennan RCMP Detachment	McLennan
MITAA Centre	Valleyview
Odyssey House	Grande Prairie
PACE Sexual Assault Centre	Grande Prairie
Peace River Mental Health Clinic	Peace River
Peace River Regional Women's Shelter	Peace River
Peace River Victim Services Society	Peace River
RCMP "K" Division, Grande Prairie Mun. Victims Services	Grande Prairie
Valleyview Victim Service Unit	Valleyview

High Level - 19 participants

Alberta Justice, Peace River Crown Prosecutors Office	Peace River
Children Services	High Level
Community Corrections and Release Programs Branch	High Level
FCSS	High Level
High Level Community Policing Society	High Level
High Level Native Friendship Centre	High Level
High Level Victim Service Unit	High Level
Little Red River Cree Nation - Fox Lake	Fox Lake
Meandre Victim Service Unit	High Level
North Peace Tribal Council	High Level
RCMP & Victim Services	High Level
Safe Home	High Level
Tallcree Tribal Government	Fort Vermillion
Town of High Level	High Level

Lethbridge - 20 participants

Alberta Justice, Lethbridge Crown Prosecutors Office	Lethbridge
Cardston RCMP Detachment	Cardston
Community Corrections and Release Programs Branch	Lethbridge
Lethbridge Community College	Lethbridge
Lethbridge Family Services - Counselling and Education Dept.	Lethbridge
Lethbridge RCMP Detachment	Lethbridge
Medicine Hat Police Service	Medicine Hat
Medicine Hat Police Service Victim Assistance Unit	Medicine Hat
Miywasin Society of Aboriginal Services	Medicine Hat
Native Counselling Services of Alberta	Lethbridge
Raymond/Magrath/Milk River Detachment Victim Serv. Unit	Raymond

St. Paul - 25 participants	
Alberta Justice, Court Services	St. Paul
Alberta Justice, Crown Prosecutors Office	St. Paul
Alternative Measures	Lloydminster
Cold Lake RCMP Detachment	Cold Lake
Community Corrections and Release Programs Branch	St. Paul
Fort McMurray RCMP Victim Service Unit	Ft. McMurray
Lac la Biche RCMP Victim Service Unit	Lac la Biche
Lloydminster Sexual Assault Information Centre	Lloydminster
Metis Settlements Child & Family Services Authority	St. Paul
RCMP Victim Services	Lloydminster
Students Against Drunk Driving	St. Paul
Sakaigun Asky Child & Family Services Auth. Reg. 12	Cold Lake
Sakaigun Asky Child & Family Services Auth. Reg. 12	Elk Point
St. Paul RCMP/Elk Point RCMP Victim Service Unit	St. Paul
Two Hills RCMP Victim Service Unit	Two Hills
Vegreville Victim Service Unit	Vegreville
Vermillion/Wainwright/Kitscoty RCMP Victim Service Unit	Vermillion
Victims Services, RCMP "K" Division	Edmonton

Wetaskiwin - 31 participants

Alberta Justice, Court Services	Wetaskiwin
Alberta Justice, Crown Prosecutors Office	Wetaskiwin
Camrose & District Victim Services	Camrose
Camrose RCMP	Camrose
Community Corrections and Release Programs Branch	Wetaskiwin
Dating Violence - Crossroads Health Unit	Wetaskiwin
Drayton Valley RCMP Victim Service Unit	Drayton Valley
Ermineskin Women's Shelter	Hobbema
Keystone Child & Family Services Auth. Reg. 9	Drayton Valley
Louis Bull Victim Services	Hobbema
Native Counselling Services	Wetaskiwin
RCMP Wetaskiwin/Hobbema Detachment	Wetaskiwin
Red Deer Rural RCMP Victim Services	Red Deer
Rocky Mountain House RCMP Victim Service	Rocky Mountain House
Samson Cree Nation Victims Services	Hobbema
Samson Cree Nation Youth Crisis Centre	Hobbema
Stettler Victim Service Unit	Stettler
Stettler Victim Service Unit	Donalda
Westaskiwin and District Victim Services	Wetaskiwin
Wetaskiwin Mental Health Clinic	Wetaskiwin

Participant Profile

Participants were asked to identify themselves according to the following categories. Most indicated that several categories applied to them.

Table One

- Victim of crime
- Someone close to you has been a victim of crime
- Work or volunteer for an organization that provides programs/services/support to victims of crime
- Work for a not-for-profit
- Work for the government

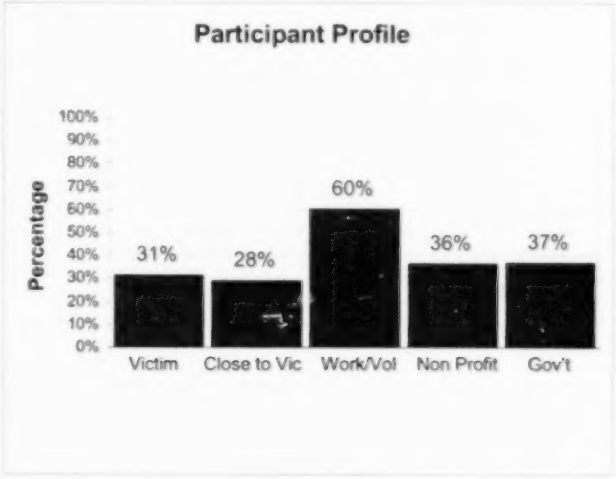

Table Two

- Represent urban point of view
- Represent rural/remote location point of view
- Male
- Female
- Aboriginal
- Age 65 or older
- Person with a Disability
- Other